IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 5217 OF 2004

Dr.Baban Shivram Kadam ...Applicant

Versus

The State of Maharashtra ...Respondent

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Shri. Majeed Memon, Advocate for the applicant

Shri. A.S. Gadkari, A.P.P. for Respondent.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 23RD DECEMBER, 2004

P.C.:-

1. Not on board. Mentioned. Taken on board as the connected matter is on board.

2. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

3. The applicant is seeking bail in C.R. No. 33/2002 registered at A.C.B. Mumbai (Special Case No. 68/2002). The applicant had earlier preferred an application for bail which came to be rejected by this Court. However, thereafter, the co-accused Shri Pandharinath Wani has been released on bail by the Supreme Court by order dated 15.10.2004. It is also stated on behalf of the applicant that the co-accused Shri. Sanjay Patil has also been released on bail by

this Court by order dated 22.12.2004. It is on these two fresh grounds that the applicant has filed the present application for bail.

4. In my view, the appropriate course would be to allow the applicant to prefer a fresh application for bail before the trial Court and the trial Court is directed to decide the same in view of the fresh developments without being influenced by any observations made by this Court in earlier orders whereby the application of the applicant for bail has been rejected.

5. Order accordingly.

6. Application is disposed of.